

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 18, 2004

Agenda ID #3978

TO: PARTIES OF RECORD IN CASE 04-08-011

Enclosed is the draft decision of Administrative Law Judge Anne E. Simon which is being mailed for the information of the parties only. Because this is an order pertaining to temporary injunctive relief, we may reduce or waive the 30-day comment period, pursuant to Public Utilities Code Section 311(g)(2) and Rule 77.7(f)(1) of the Commission's Rules of Practice and Procedure. We are waiving the comment period because the parties' legal positions are addressed in the Temporary Restraining Order Ruling and further factual development may not be undertaken in comments.

/s/ ANGELA K. MINKIN
Angela K. Minkin, Chief
Administrative Law Judge

ANG:tcg

Attachment

Decision **DRAFT DECISION OF ALJ SIMON** (Mailed 10/18/2004)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Eric Little,

Complainant,

vs.

San Diego Gas & Electric,

Defendant.

Case 04-08-011
(Filed August 10, 2004)**INTERIM OPINION CONFIRMING THE ASSIGNED COMMISSIONER
AND ADMINISTRATIVE LAW JUDGE'S RULING
ISSUING TEMPORARY RESTRAINING ORDER****1. Summary**

This order confirms the Assigned Commissioner and Administrative Law Judge's Ruling Issuing Temporary Restraining Order (TRO Ruling), dated October 15, 2004, and attached hereto as Appendix A.

2. Discussion

Pursuant to Art. XII, §§ 1-6 of the California Constitution, we have the authority to provide injunctive relief. We have reviewed the TRO Ruling and now confirm it. See Pub. Util. Code § 310.

3. Comments on the Draft Decision

Because this is an order pertaining to temporary injunctive relief, we may reduce or waive the 30-day comment period, pursuant to Pub. Util. Code § 311(g)(2) and Rule 77.7(f)(1) of the Commission's Rules of Practice and

Procedure. We waive the comment period because the parties' legal positions are addressed in the TRO Ruling, and further factual development may not be undertaken in comments. See Rule 77.3.

4. Assignment of Proceeding

Geoffrey F. Brown is the assigned Commissioner and Anne E. Simon is the assigned Administrative Law Judge.

Finding of Fact

The Findings of Fact in the TRO Ruling are confirmed.

Conclusion of Law

The Conclusions of Law in the TRO Ruling are confirmed.

INTERIM ORDER

IT IS ORDERED that:

1. The Assigned Commissioner and Administrative Law Judge's Ruling Issuing Temporary Restraining Order, dated October 15, 2004, attached hereto as Appendix A, is confirmed.
2. San Diego Gas & Electric Company (SDG&E) shall maintain the status quo during the pendency of this proceeding, or until further order of the Assigned Commissioner and Administrative Law Judge or the Commission.
3. SDG&E is restrained from performing any work, or having any work performed, on the project it is building, described in Advice Letter (AL) 1520-E and explained and expanded in the record of this proceeding, until this proceeding is concluded, or until further order of the Assigned Commissioner and Administrative Law Judge or the Commission.

4. SDG&E is restrained from performing any work, or having any work performed, on the project it is building known as the Scripps Lake Conversion Surcharge Undergrounding Project until this proceeding is concluded, or until further order of the Assigned Commissioner and Administrative Law Judge or the Commission.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX A